

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ATLANTIS INFORMATION
TECHNOLOGY, GmbH,

Plaintiff-Counterclaim Defendant,

v.

CA, INC.,

Defendant-Counterclaim Plaintiff.

Civil Action No.
06-CV-3921 (JS) (ETB)

**DECLARATION OF PAMELA A. MILLER IN OPPOSITION TO
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON
CA'S AFFIRMATIVE DEFENSE AND COUNTERCLAIM FOR
BREACH OF CONTRACT**

I, PAMELA A. MILLER, declare under penalty of perjury:

1. I am a member of Arnold & Porter LLP, attorneys for defendant CA, Inc. ("CA") in the above-captioned action. This declaration is respectfully submitted in opposition to Plaintiff's Motion for Partial Summary Judgment on CA's Affirmative Defense and Counterclaim for Breach of Contract.

2. Attached as Exhibit 1 is a true and correct copy of excerpts of the deposition transcripts of John Dueckman.

3. Attached as Exhibit 2 is a true and correct copy of email correspondence between Alexander Gaugler and Teresa Donovan dated June 28-29, 1999.¹ This document was produced in the present litigation and bears Bates numbers A 006316-A 006317.

¹ Exhibits 2-9, 12 & 13 to this declaration are filed under seal.

4. Attached as Exhibit 3 is a true and correct copy of email correspondence between Alexander Gaugler and Edward Glover dated June 1, 2001 and March 15, 2002. This document was produced in the present litigation and bears Bates numbers A 010629-A010630.

5. Attached as Exhibit 4 is a true and correct copy of email correspondence between Alexander Gaugler and Mirian Sato dated September 4, 2003. This document was produced in the present litigation and bears Bates number A 013727.

6. Attached as Exhibit 5 is a true and correct copy of email correspondence between Alexander Gaugler and Thomas O'Neill dated September 15, 2003. This document was produced in the present litigation and bears Bates number A 013768.

7. Attached as Exhibit 6 is a true and correct copy of email correspondence between Alexander Gaugler and Barry Greene dated October 2-6, 2003. This document was produced in the present litigation and bears Bates numbers A 013922-A 013923.

8. Attached as Exhibit 7 is a true and correct copy of email correspondence between Alexander Gaugler and Peter McCullough dated October 24, 2003. This document was produced in the present litigation and bears Bates numbers A 014010-A 014012.

9. Attached as Exhibit 8 is a true and correct copy of email correspondence between Alexander Gaugler and James McGarry dated November 6, 2003. This document was produced in the present litigation and bears Bates numbers A 014046-A 014047.

10. Attached as Exhibit 9 is a true and correct copy of email correspondence between Alexander Gaugler and Steve Cannon dated November 23, 2005. This document was produced in the present litigation and bears Bates numbers A 017370-A 017371.

11. Attached as Exhibit 10 is a true and correct copy of excerpts of the deposition transcript of Alexander Gaugler.

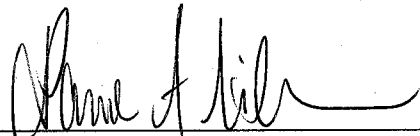
12. Attached as Exhibit 11 is a true and correct copy of Defendant CA, Inc.'s Second Revised Responses and Objections to Plaintiff's Second Set of Interrogatories.

13. Attached as Exhibit 12 is a true and correct copy of a series of invoices from CA, Inc. to Treehouse Software, Inc. These documents were produced in the present litigation and bear Bates numbers CA0060380-CA0060396.

14. Attached as Exhibit 13 is a true and correct copy of the Expert Report of Christopher Gerardi, dated May 21, 2010.

15. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
December 15, 2010


Pamela A. Miller